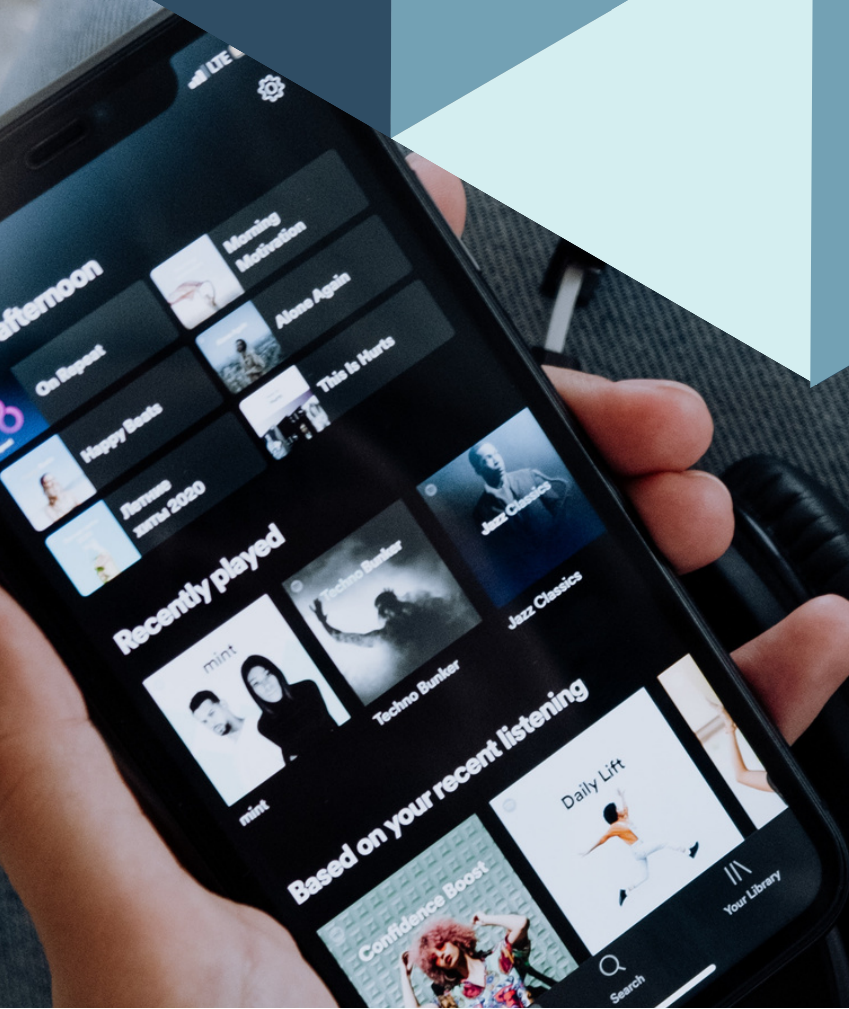


European Grouping of Societies of  
Authors and Composers

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# ANNUAL REPORT 2022



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# PRESIDENT'S FOREWORD

## Adapting priorities and remaining focused in times of crisis and change

It is my pleasure to introduce GESAC's latest Annual Report, which highlights our grouping's efforts in adapting priorities and remaining focused during times of crisis and change.

While the past year has once again been a challenging one for everyone in Europe and around the world, GESAC and its members have given their best to stay on track, and to stand with authors to help improve their economic situation. The importance of the European project, founded on peace, welfare, solidarity, and cultural values, is demonstrated by the current state of war at the doors of the European Union. Meanwhile, despite the recent recovery curve, two years of cancelled events, closed places, and losses caused by the pandemic, have had a long-lasting effect on some of the main sources of income for creators. GESAC's member societies served as a safety net during the pandemic, providing assistance to individual authors and cushioned the otherwise much harder impact of such a crisis due to their collective and solidarity based long-term business model. As a result of the sanitary crisis and the growing environmental concerns, our way of working has also been impacted, and thus adapted. One concrete change is that GESAC has decided to limit the number of physical meetings in order to reduce expenses and avoid unnecessary air travel without negatively affecting the efficiency of the grouping's work. We will all be thrilled to get together again in person, but now only once a year for the statutory General Meeting in Brussels, with the first being in May 2023, and get the chance to interact and reflect together on the best ways to improve the protection of creators in a continuously changing world.

As reflected in this activity report, GESAC's primary focus in 2022 was on addressing the major imbalances in the digital market. While creators are an important part of our lives and the soul of our humanity, they are economically vulnerable, and the role of authors' societies is to strengthen them against ever-increasing economic players.

As GESAC, we can collectively call on European decision-makers to help create a better legal environment that protects and promotes European creation and diversity. A thorough examination of emerging issues is undoubtedly required to ensure that authors are treated and compensated fairly in the digital environment.

Two key Directives on copyright/authors' right adopted in 2019 have yet to be transposed into national law in some countries, nearly four years after their adoption. The Commission has started infringement procedures for their non-compliance, but we will also need to continue working hard to ensure proper and effective implementation at national level. There are also significant fairness issues in the digital economy and the streaming market that must be addressed, and these are among the priorities identified by GESAC in this Annual Report. GESAC has previously succeeded in bringing about the necessary changes; let us continue to join forces for a better world for those who inspire us to dream!



**Gernot Graninger,**  
CEO of AKM & AUSTRO MECHANA



# GENERAL MANAGER'S FOREWORD

## Ensuring authors have the place they deserve in the digital economy

After two years of the pandemic, the cultural sector is slowly recovering in 2022, with some encouraging signs, such as royalty collections from authors' societies steadily and gradually returning to pre-pandemic levels. The impact of lost royalties, on the other hand, will be felt for a long time, and authors' financial status remains precarious. The rise of digital consumption and streaming has not had the desired impact on authors' revenues, which remain unacceptably low. Authors are becoming increasingly reliant on the burgeoning streaming market, but their contribution to that is undervalued and underpaid. In this context, GESAC's priority is to urge EU policymakers to examine the role and place of authors in this rapidly expanding digital economy in order to address the existing imbalances through political pressure or EU level initiatives. In 2022, we focused our attention and efforts on two issues: the situation of authors in the music streaming market and coercive buy-out practices against music authors in the VOD sector.

The GESAC-commissioned 'Study on the place and role of authors in the music streaming market' made EU policymakers more aware of the situation: despite its commercial success, the streaming market does not provide enough value to be sustainable for creators. It does not compensate authors fairly, and severe systemic inequalities and structural fairness issues must be addressed. GESAC welcomed the European Parliament's decision to investigate the market from the perspectives of authors and cultural diversity through a dedicated Parliamentary own-initiative report. The Commission is also closely monitoring the issue of discoverability of European music works, which will be the focus of a study set to be launched in 2023.



**Véronique Desbrosses,**  
GESAC General Manager

In 2022, our second priority was to raise awareness among EU decision-makers about the growing buy-out issue. Several courageous authors and composers testified in front of the European Parliament about the pressure put on them by large non-EU VOD platforms, which asked them to waive their rights in perpetuity in order to work on their next series or film. The French Presidency issued an extremely useful report on the subject, which provided a better understanding of the scope of the problem. And the Commission may as well soon conduct a study on the issue as a necessary preliminary step towards any potential legislation.

The present EU parliamentary term is about to reach its final year, with the impending European elections in spring 2024, and it will finally be time to evaluate what has been accomplished during the preceding five years. We already look ahead and lay the groundwork for the new European Parliament and Commission. For the coming years, GESAC has one clear goal: to ensure that authors have the place they deserve in the digital economy.



# RAISING UKRAINIAN CREATORS' VOICE IN EUROPE

Russia's invasion of Ukraine in February 2022 came as a shock for the entire world and particularly the European continent. Several million people have left their country to flee the war, among them, creators and cultural actors unable to exercise their profession. Many of them decided to escape the horror by going abroad as refugees while others decided to stay and are facing other challenges of the war.

From the first days, GESAC denounced this unjustified, violent, and deadly attack and expressed its solidarity with the Ukrainian population, the creators, and the cultural sector.

## Mobilisation of the authors' societies

The GESAC Board immediately decided to bring support through CISAC which then coordinated the solidarity and financial help from the authors' societies community worldwide.

"Creators for Ukraine", a global initiative, was launched in April to raise money for victims of the war, mobilise support from creators worldwide and promote Ukrainian culture. GESAC provided the support needed for the development of joint solidarity messages, help schemes and media campaigns to bring more voice to the efforts. GESAC also voiced the individual important initiatives taken by its members from the Ukrainian neighbouring countries.



Other initiatives such as donations, open letters, campaigns to promote Ukrainian culture and other individual actions were undertaken by GESAC members. See [more](#).

## Raising EU awareness on the situation of Ukrainian authors

Additionally, GESAC called on the attention to EU institutions to raise awareness on the dramatic situation of Ukrainian authors and the cultural sector: the EU should not forget Ukraine and its cultural sector once the initial shock had subsided. Creators in Ukraine gave up their means of creation for arms, fighting to defend their country or seeking refuge abroad to escape the atrocities. Culture is of key importance in a country's foundation, sense of belonging, and democratic structure. The EU should commit to providing full support to Ukrainian creators and the cultural sector.

It is to be noted that EU financial programmes were made available, and additional financial instruments were also put in place – in particular to allow for greater circulation of Ukrainian creators and their works in the EU, as well as for more exchanges and joint projects to promote Ukrainian culture.

## UKRAINIAN CREATORS MEET EU

Wednesday  
15 June 2022

### Visit to Brussels of a delegation of Ukrainian Authors



On 15 June, GESAC organised in coordination with ZAIKS and NGO UACRR, a visit to Brussels of a delegation of Ukrainian authors and representatives, to ensure that the necessary political attention is given by the EU on the cultural sector and on their life in Ukraine in war time.



**Meeting with Chair of the Culture and Education Committee (CULT) MEP Sabine Verheyen, Committee Vice Chair MEP Dace Melbarde, and coordinators MEPs Laurence Farreng and Tomasz Frankowski**



**Meeting with the French Presidency of the Council and the forthcoming Czech Presidency to the EU**

The delegation was composed of Valerii Kharchyshyn, Ukrainian songwriter and DG of NGO UACRR, Svitlana Oleshko, Director and Producer of a well-known theatre in Kiev, Liudmyla Tsymbal, Director of Licensing and International of NGO UACRR, accompanied by representatives of ZAIKS and GESAC. They met with the French Presidency and forthcoming Czech Presidency of the EU, Members of the European Parliament, and the European Commission (Cabinet of Commissioner Gabriel and representatives of several services).

EU policy makers expressed their support, standing in solidarity with Ukrainian creators, and determined to make sure the political attention at EU level is ensured.

The visit was considered as the start of a process in which EU decision-makers would monitor the situation in Ukraine's cultural sector on a regular basis. The delegation then travelled to Paris the next day, where it was welcomed by SACEM and subsequently by CISAC in order to exchange views with the French and worldwide creators' communities about the importance of continued assistance to the Ukrainian artists' community, as well as to analyse present and future global cooperation.



GESAC  
@authorsocieties

delegation meet @EPCulture chair @sabineverheyen and political group coordinators @TFrankowski21, @laurencefarreng, @Dace\_Melbarde. Culture is indispensable part of democracy, and a crucial element for rebuilding process. Support for creators is more important than ever.



# MAIN POLICY FOCUS

## Authors in the Music Streaming Market

Today, music streaming is the predominant way for people to enjoy music, having largely replaced traditional ownership-based consumption via physical media such as CDs or through digital formats such as downloads. Subscription-based music services reached more than 524m users worldwide and 78% of people say that they use audio-streaming services, according to recent numbers. It is the music that keeps people engaged, passionate, and connected to the various services and platforms they use online, offline or on the go. The streaming market is a great opportunity for composers and songwriters!

However, when it comes to actual revenue for the creators behind this exponentially growing market, the situation is far from satisfactory. The debate over fairness in this constantly expanding music streaming market is gaining traction in a number of countries from the US to the UK, and across the European continent. The discussions are mainly focused on the share of the revenue pie between labels and performers, but this is only one part of the issue.

There is a need to look more closely at how songwriters and composers are connected to this thriving economy and to understand what can be done to improve their currently neglected situation.

### Shedding a Light on the Situation of Authors

In order to have a better understanding of authors and their collective management organisations' expectations from this growing market, GESAC commissioned a study prepared by Emmanuel Legrand of the Legrand Network.

The aim was to reflect on the value of creators and their societies for the streaming economy, as well as to shed a light on their concerns, needs, and expectations from this market.



### The Study

The key question this study attempts to answer is: "How do authors and composers connect with the new music streaming economy, and what can be done to improve the relationship between the two parties?".

The study carefully analyses the bottlenecks preventing a more sustainable and meaningful growth of the music streaming market for authors and composers, and identifies the ways forward to address the various sources of imbalance and unfairness through cooperation, more responsibility on the part of market players, and also through policy actions at EU level, where necessary.

The study looks at existing reports, articles, and is also based on a series of interviews with various stakeholders — songwriters, collective management organisations, music publishers, data specialists, and streaming services among others, as well as on the results of informal discussions with a wide range of stakeholders. The views expressed in the report are those of its author, Emmanuel Legrand, but they also reflect the concerns and expectations of the creators' community.



## Main Takeaways

The study points out several reasons why the music streaming market is currently failing to generate meaningful growth for creators, which may be encapsulated in three primary issues that need to be addressed to create a more creator-friendly music ecosystem:

**Asymmetry between the goals of streaming services and the aspirations of authors and composers.** The main objective of most streaming services is to increase their user-base, and in certain cases to sell other services or devices that are related to their music offering (e.g., Apple audio equipment, Amazon Prime account, or home assistance devices). This is usually done through business choices of the services that make the streaming market incapable of ensuring the value of creation and generating sufficient revenues for authors and composers, despite their growing user-base. The consequence is a general decrease in value of music, making it difficult to grow the revenue pie, which is one of the primary requests of authors and composers.

**Structural problems of fairness and diversity in the streaming market.** The current hit-driven market of music streaming has resulted in a pyramid system, whereby a small number of songs capture a large portion of the listenership. The use of algorithms, as well as bottlenecks represented by the most popular playlists, exacerbates this. Furthermore, longstanding flaws in the operations of music streaming services such as “streaming fraud”, “ghost/fake artists”, “payola schemes”, “royalty free content” and other coercive practices worsen the impact on many professional creators.

**Systemic imbalance in revenue allocation.** The growth of music streaming services has boosted the music industry but has primarily benefited the recorded music side rather than the authors and composers of the songs. After addressing the need to grow the overall revenue pie and the systemic imbalances and dysfunctions in the operation of online platforms; authors and composers should benefit more favourably from the resulting success of this growing market.



The study outlines three main objectives that must be met to create a fairer and more sustainable music streaming market for authors and composers:

1. Increased value from the streaming market (Growing the size of the revenue pie)
2. More fairness in the value chain (Better sharing of the revenue pie)
3. Ensuring cultural diversity & transparency on music streaming platforms

*“The streaming growth of recent years has been generated to some extent on the backs of music creators and their partners. It is high time to grow the ‘streaming pie’ for the music sector as a whole.”*

Dr. Harald Heker,  
CEO of GEMA (Germany),  
Vice-President of GESAC Board



Study on the place and role of authors and composers in the European music streaming market

## Study Launch and Communication

The study was released and presented with a press conference held on 28 September at the Brussels Press Club. Gernot Graninger delivered a keynote speech as an introduction, Emmanuel Legrand presented the main outcome of his work, and Tobias Holzmüller and David El Sayegh shared their insight on the study and answered questions from journalists, under the moderation of Véronique Desbrosses.



*Press Conference of the launch of the study with Véronique Desbrosses, Emmanuel Legrand, Tobias Holzmüller, and David El Sayegh.*

Journalists specialising in EU affairs, national news, and the music industry followed the press conference in person and online all over the world, thanks to the involvement of GESAC members and their communication services, with more than 80 press outlets from an international and European scene covering the issue.

On the basis of the study, GESAC released two leaflets: one on the key points and another on frequently asked questions. These communication documents were translated into several languages thanks to GESAC members.



The social media activity was also significant with many interactions among the community and stakeholders, using and sharing the visuals and quotes prepared by GESAC.



GESAC @authorsocieties · Oct 25, 2022

Today, the Legal and Policy Committees of @CISACNews focuses on the value of the music streaming market for authors. @DavidElSayegh Deputy CEO of @Sacem and @burakozgen of @authorsocieties presented our new #MusicStreaming study.

Available here: [bit.ly/3Ez9s8m](https://bit.ly/3Ez9s8m)

### For a more creator-friendly music streaming ecosystem

Address

1. Asymmetry between services' goals and authors' expectations
2. Structural issues of fairness in streaming market
3. Systemic imbalance in revenue allocation

by:

Recognition	Remuneration	Identification
<ul style="list-style-type: none"> <li>Tools for visibility &amp; discoverability of authors</li> <li>Targeted and clickable search functions for authors and their works</li> <li>Equal access to market</li> <li>Transparency on the functioning of algorithms</li> <li>Monitor &amp; ensure cultural diversity</li> <li>Promote European works</li> </ul>	<ul style="list-style-type: none"> <li>Grow the revenue pie by variable pricing models</li> <li>Make sure authors benefit more favourably from growing pie</li> <li>Address the Value Gap - Transfer of Value</li> <li>Set best practices against:                             <ul style="list-style-type: none"> <li>- Payola schemes</li> <li>- Coercive practices &amp; Royalty free models</li> <li>- Ghost writers / Fake artists</li> <li>- Streaming fraud</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>Include data from point of creation</li> <li>Raise awareness among creators on importance of data</li> <li>Match ISWC with ISRC</li> <li>Strong obligation to report properly, esp for UGC platforms</li> <li>Ensure creators' credits, attribution and moral rights</li> </ul>

“Music streaming services should be encouraged to promote cultural diversity and to ensure prominence and discoverability of European works and repertoires.”

András Szinger,  
CEO of Artisjus (Hungary),  
Vice-President of GESAC Board



## Presentation of the Study to EU decision-makers and the Industry

The study was presented on numerous times to various EU decision makers and interested circles from around Europe, at both the EU and national levels, thanks to the efforts of GESAC members.

At EU level, a workshop supported by DG EAC was organised on 4 October, with the participation of different services of the European Commission, including DG Connect and DG Competition. The study was presented to the CCFG (Creators and Creative Friendship Group) of the European Parliament on 29 November, as well as to several MEPs, their assistants, and political advisors in separate one-to-one meetings.



At national level, opportunities to promote the study were brought by GESAC members in their respective countries, such as the MusicxMedia in Finland (28 September-1 October), the MoMa in Paris (12-14 October), the Milano Music Week (21-27 November), the "Open Eyes Summit" in Poland (23 November), and the MAKK Creators conference in Zagreb (24 November).



*The Music Streaming study presentation at the MoMa Festival in Paris moderated by Emmanuel Legrand with Véronique Desbrosses, Julien Dumon from Sacem and Thomas Jamois from Velvetica Music.*



*Presentation of the study at the Open Eyes Economy Summit, with Tamara Kamińska from Music Export Poland, Patrycja Łobaczewska from Believe, and Przemysław Tchoń, Head of Digital Licensing and Distribution Department at ZAIKS.*



### Political Reaction and Feedback

The study resulted in more than 140 news articles in 20 countries, and allowed for a better understanding on the perspective of authors and their CMOs in the market.

The feedback received was positive overall, also from the side of European institutions. The Music Streaming study was widely regarded as not only relevant, but also providing a fresh perspective on the market's shortcomings that need to be addressed. Creators' organisations welcomed the study. The cultural diversity issue raised a lot of interest amongst stakeholders and policy makers. The call for more transparency in the use of the algorithms, as well as promoting and monitoring cultural diversity in its various forms, is considered as interesting in the perspective of potential policy actions at EU level.

### Next Steps

As the study refers to a combination of several issues and bottlenecks that prevent a more viable music streaming market for authors and composers, the way forward suggests involving a number of different actions. These actions would in some cases require industry cooperation, and/or increased responsibility on the side of streaming services and increased consumer awareness, and, in specific cases, policy actions and/or proper implementation of recently adopted laws at EU level.

For instance, the study suggests better recognition of the value of authors and their societies to the success of the music streaming market, which would involve on the one hand, actions from music streaming services to develop tools for more visibility and better discoverability of authors and composers by their consumers, and on the other hand, policy considerations at the EU level to ensure algorithmic transparency of the services and to develop indicators to monitor and measure diversity, in particular the prominence of European works. In terms of increasing rightsholders' revenues and creators' remuneration, the study aims to raise more awareness on the shortcomings of the current music streaming business model, both among services and their consumers, in order to call for more responsible actions from the services in the future. This would particularly include actions to motivate consumers to switch to paid subscriptions, as well as more realistic

and variable pricing models for subscription services in order to grow the revenue pie.



The study also urges the Commission and the Member States to rapidly and effectively implement the laws which have already been adopted that should oblige the Online Content-Sharing Service Providers (OCSSPs) to properly remunerate creators, requiring all services to accurately report their usages, and ensuring creators' appropriate and proportionate remuneration, which would lead to a healthier and more sustainable market. It anticipates that once the market begins to grow its revenue pie, authors and composers' remuneration should also evolve in a fairer way.

The study provides valuable insight into creators' concerns and expectations for the European and national policy makers working on re-balancing the creators' interests against the major digital services operating in the European Digital Single Market. It brings a new perspective to the debate and provides a constructive approach towards a more balanced, sustainable, and author-centric music streaming ecosystem.

It is suggested to put strong obligations on streaming services to report properly and accurately, in order to capture all usages of the works on their platforms/services and to ensure proper remuneration of creators.

The study also advises creators to remain involved in the debates affecting their professional careers and recommends awareness-raising projects and initiatives among creators and rightsholders on the importance of data. It particularly suggests that creators first register their works with their CMOs and obtain relevant metadata before using them on online platforms.

**Collective Management Organizations (CMOs) are the crucial link between authors, composers and publishers and the licensees of the music rights!**

Study on the place and role of authors and composers in the European music streaming market



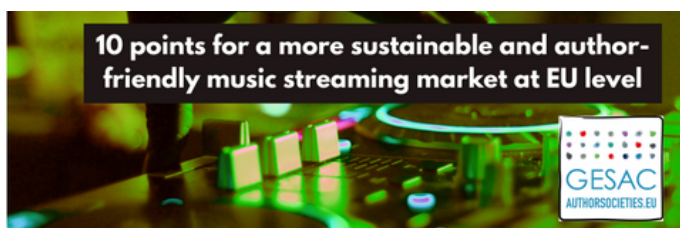
Finally, the study underlines that joining a CMO is one of the most important career decisions for composers and songwriters, owing to the indispensable role played by the CMOs for appropriate remuneration of authors and proper administration of their rights.

## EU Initiatives

At the very end of 2022, the CULT Committee in the European Parliament decided to prepare an own-initiative report on "Cultural Diversity and Situation of Authors in the European Music Streaming Market". The Commission's DG EAC is working on the terms of reference of an important study on the discoverability on European works which includes the music sector. These initiatives will be the focus of our work as regards the next steps of the music streaming debate at EU level.

## GESAC's 10 Points

As a follow-up on the study, GESAC identified ten initiatives that would be key to contribute to a fairer and more sustainable market, and would be used for the purposes of wider policy and industry debates both by GESAC and its members:



### 1 RESTORE THE VALUE OF THE STREAMING MARKET BY IMPLEMENTING APPROPRIATE PRICING POLICIES

Music streaming services should develop and adapt their pricing models to reflect the value-added services, and the value of the music provided to consumers.

### 2 ENSURE THE VALUE OF MUSIC IN ALL STREAMING SERVICES

Regardless of the nature of their offer, music services should ensure a minimum fee per stream or a minimum fee per user for the entire duration of any free offer, based on a fair remuneration principle.

### 3 RECOGNISE THE KEY ROLE OF AUTHORS AND COMPOSERS IN THE STREAMING MARKET

by both increased visibility in the operation of the services and a more balanced sharing of streaming revenues.

### 4 ENSURE THAT AUTHORS AND COMPOSERS BENEFIT MORE FAVOURABLY FROM THE GROWING PIE

Once the value of streaming is increased and the revenue pie grows, the increased part of the new pie should benefit the authors the most, in order to reinstate market fairness.



### 5 ENSURE PROMINENCE AND DISCOVERABILITY OF EUROPEAN WORKS ON STREAMING SERVICES

Positive obligations for music streaming services as well as incentives for financial contributions to musical diversity should be introduced.

### 6 PROVIDE TRANSPARENCY OF ALGORITHMS USED BY STREAMING SERVICES

Dedicated transparency obligations should be introduced.



### 7 TACKLE UNFAIR AND FRAUDULENT PRACTICES ON STREAMING PLATFORMS

through voluntary best practices from music streaming services and if needed EU obligations.

### 8 ENFORCE PROPER IMPLEMENTATION OF ART 17 OF THE COPYRIGHT IN DSM DIRECTIVE

so that the relevant platforms (OCSSPs) get licences from authors' societies in a way to improve the situation of creators, provide the necessary usage reports, and integrate the relevant data into their systems.



### 9 STRENGTHEN COLLECTIVE RIGHTS MANAGEMENT

Collective management should be further promoted and strengthened by EU policy as a fair and sustainable solution for all.



### 10 ENSURE BETTER IDENTIFICATION OF CREATORS ON STREAMING SERVICES

by raising awareness among young creators, on the importance of metadata and registration to authors' societies.

## Buy-Outs

Buy-out contracts force creators to waive their copyright/authors' rights in full or in part, effectively eliminating the possibility of receiving future royalties for the use of their work. Today, those coercive practices are more and more imposed directly or indirectly by giant non-EU VOD platforms on music authors, depriving them from an appropriate and proportionate remuneration, as well as the exercise of their moral rights. They severely undermine creators' ability to earn a living through their artistic work. In the case of work-made-for-hire contracts, authors even lose ownership of their work.

### Focus on the VOD Sector

The buy-out issue was one of GESAC's main priorities in 2022. Big non-EU-based platforms circumvent EU law and the European authors' rights model of protection through the imposition of US laws and the jurisdiction of US courts. The situation is a growing concern, and this political angle matches the current priorities of the European Commission, which as voiced by Commissioner Breton, wants to address the vulnerability of European stakeholders vis-à-vis non-EU-based global players and to apply the rules of internal market to all players operating within the EU. The role of GESAC was primarily to raise awareness on the issue within the European institutions.

GESAC focused on the situation of composers, who are facing buy-out contracts from major VOD platforms.



### Support from Key Players

In May, the Chair of the Committee on Culture and Education MEP Verheyen, attended GESAC's General Meeting and expressed her support for creators facing such buy-out practices.

On the other hand, GESAC welcomed the very important work done on the buy-out issue by the French Presidency during the first semester of 2022, which resulted in a very useful report issued in June. The report flagged the problem, identified its scale, and conveyed the request from several Member States to ask the Commission to investigate it further.



Ozgen Burak  
@burakozgen

Happy to attend remuneration panel @Europe2022FR & see again many familiar faces. #Buyout on US VOD platforms is an EU problem to deal w/ @EU level! @authorsocieties @EU\_Commission @europe\_creative @DigitalEU @R\_Bachelot



2:36 PM · Mar 4, 2022



EUROPE2022.FR



## Roundtable on Buy-Outs in the EP

GESAC organised together with ECSA an event in the European Parliament on 8 November, with four composers from three countries (Anselm Kreuzer, Germany; Eleanor McEvoy and Ray Harman, Ireland; Manel Santisteban, Spain) who testified in front of three MEPs from three main political groups (Sabine Verheyen, MEP, Chair of the Culture and Education Committee, EPP Group, Germany; Billy Kelleher, MEP, Renew Europe Group, Ireland; and Ibán García del Blanco, MEP, S&D Coordinator in the Legal Affairs Committee, Spain). The event was attended by several officials from the European Commission, MEPs, MEP assistants and policy advisers, and was viewed online by over 250 people from the GESAC and ECSA communities.

### PANEL ON BUY-OUTS

How can Europe prevent buy-out contracts imposed by US-based VOD platforms on European music creators?

**IN THE PRESENCE OF AUTHORS:**

- Eleanor McEvoy, Irish singer, songwriter
- Ray Harman, Irish film and TV composer, songwriter
- Anselm Kreuzer, German composer for AV media
- Manel Santisteban, Spanish screen composer

Hosted by **MEP Ibán García del Blanco**, S&D JURI Coordinator, Spain  
With the participation of **MEP Sabine Verheyen**, Chair of the CULT Committee, Germany - EPP and **MEP Billy Kelleher**, Ireland - Renew

8 November 2022, 12:00-14:00 (CET)  
European Parliament PHS 7C50

Co-funded by the European Union



**Véronique Desbrosses, Helienne Lindvall, MEP Sabine Verheyen and Anselm Kreuzer.**



**Victor Finn, MEP Billy Kelleher, Eleanor McEvoy, Ray Harman and Timmy Dooley.**

**“We celebrated together when Europe adopted the new Copyright Directive in 2019 and provided harmonised rules for authors’ protection. As European authors, we cannot accept that those rules are not being applied by the market’s dominant players simply because it does not fit to their business model. Today, we need Europe on our side once more.”**

**Eleanor McEvoy,**  
Irish singer-songwriter

Roundtable discussion with European music creators on buy-out in the VOD market

You Retweeted

**Ibán García** @Ibangarciadb

This Tuesday with Veronique Desbrosses from @authorsocieties , @ivarsluis from @sgaeactualidad and the talented and brave musician Manel Santisteban, advocating for European authors rights and a real Law enforcement by the @EU\_Commission

#banbuyoutcontracts

7:34 PM · Nov 10, 2022 from Madrid, Spain

4 Retweets 1 Quote 18 Likes

GESAC issued a **flyer** with five points on why and how to address the buy-out contracts in the VOD sector.



© Francois de Ribaucourt

Over 30 press articles about the panel have been published in media outlets across Europe, echoing the concerns expressed by the creators. The panel exchange also had a significant impact on GESAC's social media.

Moving forward, the Commission would need to make its own assessment of the issue.



Anselm Kreuzer,  
German composer

## Next Steps

An initiative from the European Commission and EU legislators would play a decisive role in preventing these practices. The adopted Directive on Copyright in the Digital Single Market, in its Article 18, provides an opportunity to take steps in addressing this problem. It lays down the “principle of appropriate and proportionate remuneration” to the benefit of creators for the exploitation of their works.

Recital 72 explains the logic behind chapter three of the directive, and notes that creators “tend to be in weaker contractual position when they grant a licence or transfer their rights, including through their own companies, for the purposes of exploitation in return for remuneration, and those natural persons need the protection provided for by this Directive to be able to fully benefit from the rights harmonised under Union law”. This applies to the entire chapter, including Article 18.

This provision needs to be implemented in such a way that coercive buy-out deals are unenforceable in Europe.

The Commission can be instrumental in this, as can Member States during the transposition process.

## EU Initiatives

2022 was concluded with three positive developments for future work in this respect.

Firstly, the Commission representatives informed of their intention to launch a study on the buy-out issue to give more in-depth consideration and to respond to the asks from the EP and the Council.

Secondly, the Legal Affairs Committee of the European Parliament also agreed to conduct a study on buy-out and tasked the European Parliament Research Centre to deal with the issue.

Finally, the CULT Committee in coordination with the Employment Committee agreed to prepare a Report with legislative recommendations on ‘working conditions of artist’, whose part on the earnings and working conditions of authors and composers can be an opportunity to mention the issue of buy-out.

**GESAC calls for making the principle of appropriate and proportionate remuneration a mandatory rule applying to all copyright contracts, whether national, European or international.**



## Transposition of the 2019 Directives

Three and a half years after their adoption, the 2019 Copyright and Broadcasting Directives have been transposed into national laws in most EU countries. However, there are still some Member States left without the transposition laws\*.

Most transpositions faithfully follow the wording of the Directive, notably of Article 17, that clarifies the copyright liability regime for OCSSPs and their obligation to remunerate creators fairly. There are however several countries that have limited the ex-ante removal possibilities provided in Article 17 either to manifestly infringing content, or to content over a certain threshold of seconds. This is the case for Austria, Czech Republic, and Germany (in the case of Germany, they have included an additional remuneration right through CMOs, which is useful). Sweden enacted a wording of “what can reasonably be expected” instead of “best efforts” of OCSSPs for the removal requests. In Poland only exact or equivalent content are subject to ex-ante removal in the latest proposals from the government.

On Broadcasting Regulation most transposition laws follow the text of the Directive, although there are some issues regarding the transposition of direct injection provision in Lithuania and several difficulties on direct injection and the retransmission regime in the current legislative discussions in Bulgaria.

Based on the data transmitted by GESAC’s members, the Secretariat prepared a regularly updated transposition chart on Article 17, acting as a useful internal tool to have a clear view on how precisely Article 17, with its different dispositions, is transposed in the various Member States.

With the support of legal experts from members’ societies in the Madrid Group, GESAC carefully monitored the transposition process. Upon request from its members, GESAC also brought its support, sometimes with other rightsholders organisations, to allow for an effective and faithful transposition of the directives into national laws.

*\*Namely Bulgaria, Finland, Latvia, Poland, and Portugal at the time of the preparation of this Annual Report.*



### CJEU Ruling on Article 17

During the negotiation process of the Copyright Directive, under the pressure of tech giants, the Polish government changed its position regarding Article 17 from positive to negative, and following the adoption of the Directive, Poland lodged a complaint at the Court of Justice of the European Union (CJEU) asking for an annulment of the provision.

The CJEU issued its ruling in April 2022 on the case C-401/19 initiated by the Polish government against Article 17 of the Copyright in the Digital Single Market Directive. The ruling of the EU’s highest court confirmed the compliance of Article 17 with the principles of the Charter of Fundamental Rights, including freedom of expression and information. The court dismissed the action brought by Poland and confirmed that automatic content identification tools are necessary to implement the provision, and to allow sufficient protection for rightsholders. The potential impact of the provision on freedom of expression is balanced by safeguards and guarantees provided in the article. GESAC welcomed the ruling with a [press release](#) issued at this occasion.

GESAC @authorsocieties · Apr 26, 2022

GESAC has issued a [#PressRelease](#) on today's ruling regarding the Polish complaint against the [#Article17](#) of the Copyright in the Digital Single Market Directive.

Read our full reaction on our website.

@ThierryBreton @EP\_Legal @GabrielMariya



authorsocieties.eu

Press Release: CJEU ruling on Polish complaint ag...  
GESAC has issued a press release on today's ruling regarding the Polish complaint against the Article...



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# OTHER PRIORITIES

## Collective Management

One of GESAC's main objectives is to promote the model of collective management at EU level, which provides a protective framework for creators to get a fair remuneration while also allowing large repertoires to access the market and ensuring cultural diversity. Authors' societies have constantly evolved, improved, and adapted over their 200 hundred years of existence. They played a safety net role for creators during the devastating COVID-19 pandemic and proved to be the best option for restoring public confidence in creators' rights in a rapidly changing digital economy.

In 2022, as part of its Intellectual Property Action Plan adopted at the end of 2020, the European Commission released studies on IP, new technologies and artificial intelligence that touched upon the issues of rights management information and the future of authors' rights.



## Copyright, Management of Rights, New Technologies and Artificial Intelligence

In February, the European Commission published a [Copyright and New Technologies study](#) that looks in part at the issues regarding metadata and rights management technologies, and also at the impact of artificial intelligence in the field of copyright law. The first part of the study attempts to identify and describe the economic impact of the current

situation related to rights metadata, and compiles information on the most important ongoing initiatives to address some of the identified problems. The study indicates broad avenues which, it argues, could contribute to improving the functioning of the copyright data ecosystem.

The second part of the study focuses on the uses of copyright-protected content as input to feed AI technologies and on the copyright implications of the production of cultural outputs by or with the assistance of AI. Furthermore, the study discusses possible policy scenarios which might be needed to react to these developments.

GESAC provided extensive information for these studies and also raised concerns on the missing elements, which would prevent properly addressing the realities and practices of our sector.

It is to be noted that two other studies were published on the issue of 'artificial intelligence' and its relationship with IP infringement and the cultural and creative industries respectively:

**Study on the Impact of AI on the Infringement and Enforcement of Copyright and Designs** from EUIPO, in which 20 scenarios have been developed to demonstrate existing or potential misuse of AI technologies to infringe IP, as well as the use of AI to enforce these same rights. This study includes useful examples and up to date information on the use of AI for infringement and enforcement of copyright online.

The study on **Opportunities and Challenges of Artificial Intelligence Technologies for the Cultural and Creative Sectors** looks at each sector of CCI to analyse the market use cases, future opportunities and the possible challenges of AI in those sectors. However, this study lacks depth in understanding the different sectors' functioning and needs, despite including many different use cases that involve AI applications across the CCI.

### Guidelines on collective bargaining agreements of solo self-employed people

On September 29, 2022, the European Commission adopted Guidelines on the application of EU competition law to collective agreements regarding the working conditions of solo-self-employed people. The guidelines drafted by DG COMP, clarify when certain self-employed people can get together to negotiate collectively better working conditions for themselves without breaching EU competition rules. This addresses the possibility of collective bargaining agreements for solo self-employed people, particularly when they engage with platform services such as Uber, Deliveroo, etc. The collective bargaining agreements of authors and performers with their employers or production companies (and with publishers for certain categories of authors, as the case may be) are also covered by these Guidelines thanks to the efforts of authors' organisations, and DG COMP exempted such collective negotiations from the application of European competition rules which were previously prohibited in some Member States (certain aspects of such negotiations remain subject to competition rules).

GESAC welcomed the Commission's initiative as it recognised the necessity and importance of collective actions of authors and composers, to ensure fair and appropriate remuneration for their creative work.

GESAC contributed to the European Commission's consultation on the draft guidelines in close cooperation with the Madrid Group.

GESAC raised the attention of the Commission on a paragraph that relates to the application of competition rules to CMOs, which could have been misinterpreted. GESAC had extensive exchanges over the summer with DG Competition and other relevant Commission services to underline the importance of CMOs and prevent any possible negative impact to their activities. As a result, the provision was reformulated in a more appropriate way.

The issue was also discussed during the Czech Presidency copyright related conference in July, mainly dedicated to AVMSD implementation. Collective bargaining facilitates "appropriate and proportionate remuneration" requirement of the Copyright in DSM Directive (Art 18), particularly for performers and authors in the AV field.



Collective management has proven itself as a resilient and indispensable model for the sector in general and for creators in particular

## Private Copy

Private copy exception as allowed in the 2001 Copyright Directive exists in most EU countries, accompanied by a remuneration scheme to compensate rightsholders. However, in certain countries, the current system is not satisfactory and has to be improved.

GESAC took actions for the improvement of the private copy system in Bulgaria and Poland. Bulgaria remains a unique case in Europe in not having a real collection and distribution of a “fair compensation” scheme despite the existence of private copy exception in its national law. Since the devices subject to levy are extremely limited and the amounts set as levy are excessively low, they are not collectable in practice.

In the case of Poland, the storage media and recording devices subject to private copying remuneration were determined back in 2003 and are also mostly restricted to analogue equipment such as audio tape recorders, video tape recorders, blank video tapes, audio cassettes, or faxes. Most of these devices have become a thing from the past and private copying is predominantly carried out in Poland using other devices that are not subject to a levy. The amounts collected for private copying are therefore diminishing and this situation leads to Poland’s failure to ensure its “fair compensation”, which is an essential element of private copy regime under EU law and an obligation for the Member States to ensure, as noted by CJEU in several rulings.

The complaint lodged by ZAiKS regarding Poland’s noncompliance with EU law, was rejected by the Commission relying on Member States’ discretion that should not be relevant in this case. ZAiKS therefore submitted an appeal providing more elements, and both CISAC and GESAC coordinated a joint letter including organisations representing authors, performers and other rightsholders at EU and international level, in support of this appeal.

GESAC also wrote a letter to the Bulgarian Minister of Culture, requesting that the private copy system be revised to comply with EU law, taking advantage of the currently debated new copyright law in Bulgaria, which is supposed to transpose the new Copyright and Broadcasting Directives.

## Implementation of the Revised AVMSD

The European Parliament’s CULT Committee started to work on an implementation report of the Audiovisual Media Services Directive (AVMSD).

This initiative intends to become a legacy of this European Parliament on the issue of AVMSD’s implementation for the new legislature (for the new Parliament and Commission that will be formed in May/June 2024). Some of the key MEPs who were instrumental in the adoption of the AVMSD back in 2018 intended to influence any possible future implementation assessment of this important legislation through this report. An assessment of the implementation of several provisions of this Directive is also required by the Directive itself, and the Commission will need to undertake such an exercise in the coming years.

AVMSD is a key piece of legislation for the audio-visual sector, and audio-visual authors would like to avoid any view of re-opening on the important achievements of this Directive such as significant quotas on VOD services, and the possibility of investment obligations at national level during this implementation report. VOD services and commercial TVs have been against those provisions and have already tried to water them down in national implementation.

On the other hand, the forementioned initiative report was also considered by GESAC as an opportunity to promote the ideas on the need for an EU policy ensuring transparency of algorithms, cultural diversity, and discoverability of European works on music streaming services. GESAC shared its views on this issue with the Rapporteurs of the file during an early preparatory consultation. Since then, the Rapporteurs of this file decided to have a very limited scope for it that should not address anything else other than the actual implementation of AVMSD. The Parliament also decided to have a separate dedicated Own-Initiative Report on Authors in Music Streaming, where these views can be reflected more in-depth.



### Digital Services Act

2022 was a crucial year for the DSA: After two years of examination and negotiations, the Digital Services Act was adopted in 2022. On April 23, a political agreement was reached, and the DSA was subsequently voted in plenary in May and approved by EU Member States in June. The final text was published in the Official Journal of the European Union on 27 October and entered into force on 16 November 2022. The DSA became applicable in all EU Member States following the publication of the final text.

The DSA sets rules primarily for online intermediaries and platforms, including marketplaces, social networks, and so-called “very large online platforms and very large online search engines”.

GESAC's main priority in this file was not having any adverse effect on Article 17 of the Copyright in the Digital Single Market Directive.

This objective is achieved by having a clear provision in the text stating that this regulation is without prejudice to Union law on copyright and related right, including namely the Directive on Copyright in the Digital Single Market, which establishes specific rules and procedures for liability that should remain unaffected.

GESAC also joined forces with a wider group of rightsholders to call for more protective measures to defend and enforce our rights and/or to prevent any negative impact on the existing well-functioning enforcement tools. Amongst others, this horizontal law includes:

**Notice and action mechanisms:** Hosting service providers must set up an electronic reporting mechanism allowing individuals or entities to easily report allegedly illegal content and should review and act upon these notices “without undue delay,” and where applicable, must expeditiously remove reported illegal content.

**Dedicated definition and status for Search engines,** which are subject to certain responsibilities. Very large search engines are subject to higher degree of due diligence.

**Transparency obligations** for all online intermediary service providers, which must publish periodic transparency reports (at least once a year) with details concerning any content moderation engaged in during the relevant period, including among others the number of IP infringement notices submitted, actions taken pursuant to the latter, and the median time needed for taking action. Extra transparency requirements apply to online platforms, very large online platforms and search engines.

**Know Your Business Customer principle** applied to Providers of B2C online marketplaces, which must obtain and make reasonable efforts to verify certain information enabling to trace traders, before allowing them to use their services. To this end, providers of B2C online marketplaces must collect traders' contact and payment data, as well as proof of identity and a self-certification committing to only offer products or services that comply with the applicable rules of Union law. If a trader provides inaccurate and/or incomplete information, the service provider must remove the trader from its service. Providers must also take reasonable measures to randomly check whether products or services on their sites have been identified as illegal in official databases and take appropriate actions. The provision could be a useful tool to tackle traders selling devices without payment of private copy on those platforms.

**Trusted flaggers** acting within their designated area of expertise, are given priority so that their notices are processed and decided upon without undue delay by online platforms.

**Right to information:** Providers of B2C online marketplaces must inform consumers if they have become aware that an illegal product/service has been offered to them through their services.

# ALAI EUROPEAN AUTHORS' RIGHT AWARD

## SUPPORTED BY GESAC

In the spirit of inspiring the next generation of Intellectual Property experts, the International Literary and Artistic Association (ALAI) and GESAC, have launched in 2019 an annual student award in 2019. The annual award is given to the writer of the best essay relating to authors' rights. The essay must have a European dimension and include elements related to the collective management of authors' right.

### MUSICAL PERFORMANCE

The multi-instrumentalist, producer, and artist from Portugal, **Júlio PEREIRA** and musicians will perform on stage  
With the kind support of SPAutores

### WELCOME SPEECHES

**Prof. Frank GOTZEN**, President of ALAI

**Véronique DESBROSSES**, General Manager of GESAC, the European Grouping of Societies of Authors and Composers

### AWARD CEREMONY

The ALAI European Authors' Right Award 2020 goes to **Thomas VERBORGH** for his essay *"Multi-territorial licensing of rights in music for online use and early evaluation"*

The ALAI European Authors' Right Award 2021 goes to **Seun LARI-WILLIAMS** for his essay *"Bridging the value gap between content creators and digital media platforms: a case study of YouTube"*

The ALAI European Authors' Right Award 2022 goes to **Andrée Glancia MADINDA** for her essay *"The text and data mining exception in the Directive on Copyright in the Digital Single Market: a stormy outlook for author's rights"*

### MUSICAL PERFORMANCE

**Carlos MENDES**, the Portuguese singer, actor, and composer will perform the Ukraine-supporting song "Azul e Amarelo. O Destino," which translates as "Blue and Yellow. The Destiny". Lyrics of the song: **José Jorge Letria**  
With the kind support of SPAutores

### COCKTAIL RECEPTION

#### ABOUT ALAI

The International Literary and Artistic Association (ALAI) is an independent learned society dedicated to studying and discussing legal issues arising in connection with the protection of the interests of creative individuals. [www.alai.org](http://www.alai.org)

#### ABOUT GESAC

GESAC groups 32 authors' societies in the European Union, Iceland, Norway, and Switzerland. As such, we defend and promote the rights of more than 1 million creators and rights holders in the areas of music, audiovisual works, visual arts, and literary and dramatic works. [www.authorsocieties.eu](http://www.authorsocieties.eu)

### Award Ceremony in Estoril, Portugal 15 September

The award ceremonies for the last two editions were unfortunately delayed due to COVID-19 restrictions. ALAI and GESAC, with the support of SPA, therefore celebrated the winners of the three editions at the Annual ALAI Congress, at the Hotel Palácio Estoril, in Portugal, on 15 September.



*The multi-instrumentalist, producer, and artist, **Júlio Pereira** and his musicians, performing on stage of the ALAI European Authors' Right Award Ceremony.*

GESAC heartily congratulated the three award-winning young academics on their outstanding work and contributions to the field of authors' rights:

**Ms. Andrée Glancia Madinda**, winner of the 2022 edition, for her essay titled "The text and data mining exception in the Directive on copyright in the digital single market: a stormy outlook for author's rights". Find out more about Ms. Madinda's findings [here](#).





**Mr. Seun Lari-Williams**, winner of 2021 edition, for his essay "Bridging the Value Gap Between Content Creators and Digital Media Platforms: A Case Study of YouTube". Find out more on Seun Lari-Williams' findings, as well his background practicing law in his native Nigeria, and how the pandemic has affected the country's creative economy [here](#).

**Mr. Thomas Verborgh**, winner of the 2020 edition, for his essay "Multi-territorial licensing of rights in music for online use: an early evaluation". Watch the [interview](#) with Mr. Verborgh to learn more about his work.



Member of the Jury Caroline Bonin from Sacem presenting the award-winning academics.

The winners received their prize from the hands of two members of the Jury: Prof. Raquel Xalabarder Plantada, from the UOC Open University of Catalonia, and Ms Caroline Bonin, Head of the Legal Service at SACEM. The evening featured speeches from Frank Gotzen, President of ALAI, and Véronique Desbrosses. It was attended by more than 150 participants.



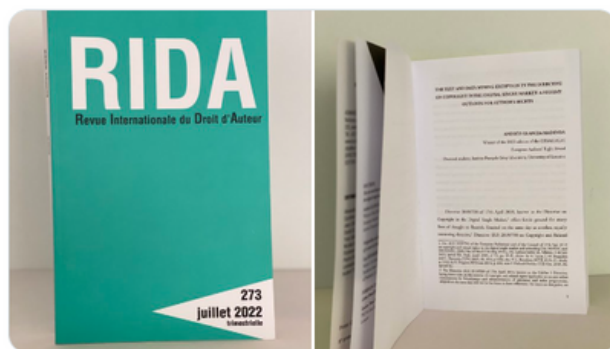
The award-winning academics: Ms. Andrée Glancia Madinda, Mr. Seun Lari-Williams, and Mr. Thomas Verborgh.

Thanks to the kind support and initiative from SPA, the Award Ceremony included two extraordinary musical performances from Júlio Pereira (musician, composer, and multi-instrumentalist), his musicians, and from Carlos Mendes (singer and composer), who performed the Ukraine-supporting song: "Azul e Amarelo. O Destino", which translates to "Blue and Yellow. The Destiny", with lyrics by José Jorge Letria.



Carlos Mendes performing "Azul e Amarelo. O Destino." in support of Ukraine.

GESAC @authorsocieties · Nov 10, 2022  
 GESAC is pleased to announce that Ms. Glancia Madinda's winning essay for the 2022 #ALAI European Authors' Right Award is now available in both French and English in the online and print editions of La Revue Internationale du Droit d'Auteur (RIDA)!



Applications have been received for the next edition, and the award ceremony is scheduled to take place on a Seine boat trip on June 21, 2023, at the opening cocktail of the ALAI Congress in Paris.



# INTERNAL AFFAIRS

## New Board for 2022 - 2024

GESAC's President and New Board were elected during the General Meeting held online on 5 May.

Mr Gernot Graninger, CEO of Austrian authors' societies AKM and Austro Mechana, who served as Interim President of GESAC since November 2021, was elected as President. Three Vice-Presidents, Victor Finn, CEO of Irish authors' society IMRO, András Szinger, CEO of Hungarian authors' society Artisjus, and Harald Heker, CEO of German authors' society GEMA were also re-elected for another term.

The other elected Board members are Laura Baškevičienė, CEO of LATGA (Lithuania), Gaetano Blandini, Director General of SIAE (Italy), David El Sayegh, Deputy CEO of SACEM (France), José Jorge Letria, President and CEO of SPA (Portugal), and Risto Salminen, CEO of TEOSTO (Finland).

Mr. Graninger expressed his gratitude for the trust of the GESAC members and underlined that "We are at a critical juncture because the sector's recovery is only getting started, while the economical imbalances in the market deprive the authors from fully reaping the benefits of the exponentially growing digital economy."



### General Meetings

The statutory annual General Meeting held online on **5 May** also approved GESAC's activity report and financial accounts for 2021 and discussed the grouping's priority issues. Moreover, the meeting allowed for a fruitful exchange with MEP Sabine Verheyen, the Chair of the Committee on Culture and Education, who shared her vision on the Parliament's work regarding rebalancing the digital market and ensuring appropriate remuneration of creators. It also allowed for an exchange of views with Ms. Helienne Lindvall, the President of European Composers and Songwriters Alliance, on the current difficulties faced by composers in the VOD and music streaming markets.

The second General Meeting of the year held online on **23 November** included the approval of the provisional budget for 2023, the consideration of policy documents, as well as an update on GESAC's priority issues in 2022 and a discussion on the GESAC priorities for 2023. The General Meeting also provided an opportunity to speak with Marco Giorrello, Head of Copyright Unit at DG Connect, about the current priorities of the Commission on copyright.

### Board Meetings

As usual, the Board met quarterly (**19 January, 4 May, 28 September and 22 November**) and reflected on GESAC's activities and future priorities. The Board considered that the objectives of playing a central role in cultural policy and keeping GESAC at the forefront of EU decision making during the critical period of the Covid-19 crisis have been achieved in 2021 through the EY Study, the high-level meetings organised with Commissioners and MEPs, joint statements, op-eds in newspapers, the online campaign "Rebuilding Europe with Culture" and the event organised in December 2021 with several Ministers, MEPs, and Commissioners.

Against this background, the Board agreed that GESAC should now focus on its legal and economic based priority issues, such as buy-out contracts and the streaming market, using the good momentum gained with the French Presidency, while continuing the promotion of collective management and closely following EU policy initiatives.

The Board agreed that all future GESAC Statutory General Meetings (taking place during the first semester of each calendar year), would take place as a physical meeting in Brussels. The General Meetings taking place at the end of each year are to be held online.

Two Board meetings out of the four scheduled yearly will be held as physical meetings (the one taking place the day before the statutory GM, in May and the one taking place in September). The other Board meetings will take place online.

### GESAC Secretariat

As part of its mandate to represent GESAC members and voice their views, the Secretariat participated in various meetings, conferences, roundtables, events, and hearings organised by EU institutions or by stakeholders. Numerous one to one meetings with policy-makers were also organised during the year. The details of these meetings and activities have been reported to the CEOs of the GESAC members in the 11 Monthly Reports prepared in 2022.

In addition, as a support to GESAC members and upon requests, the Secretariat assisted several of its members in their advocacy activities towards their national governments through letters, direct contacts, meetings, or other means.



## GESAC Internal Committees

### Madrid Group

The Madrid Group is GESAC's legal committee, and it is comprised up of approximately twenty lawyers from European authors' societies that are GESAC members. They typically lead the legal work or departments of their society and are often also involved in regulatory affairs. Among other things, its work results in the evaluation and preparation of GESAC's position papers and contributions to the consultations, proposals of legislation and/or other policy initiatives at EU level. This working group is open to all members and they contribute and commit to its work on a voluntary basis. Its current chair is **Tobias Holzmüller**, General Counsel of GEMA and its vice-chair is **Caroline Bonin**, Head of the Legal Department of SACEM.

This year the Madrid Group met six times on the following dates: **3 February, 24 March, 26 April, 1 June, 20 October, 15 November**.

The following societies were represented in the meetings of 2022: AKM, AUSTRO MECHANA, ARTISJUS, BUMA, GEMA, IMRO, KODA, OSA, SABAM, SACEM, SCAM, SGAE, SIAE, SOZA, TEOSTO, TONO, ZAIKS, CISAC (Observer).

The Madrid Group worked on a follow-up paper of the Music Streaming Study that would serve as a sort of road map for GESAC, with policy perspectives and concrete objectives.

The Madrid Group also exchanged views and information on the following files: Implementation of recent copyright directives, the RAAP case (GESAC to contribute to the forthcoming consultation organised by the Commission), the Piracy of live events (AV sector asked for a new legislation aiming at addressing piracy of live events), as well as recent national and European cases on copyright, including on private copy, regarding retransmission regime and communication to the public.

### Public Affairs and Communication (PACOM)

The Public Affairs and Communication Committee (PACOM) is a committee of experts in communication and lobbying with the European institutions and national authorities, designated to exchange on EU current affairs, support GESAC secretariat lobbying actions/events and set up communication initiatives. Its current chair is **Héloïse Fontanel**, Head of European and International Public Affairs at Sacem, and its vice-chair is **Philipp Rosset**, Head of European Affairs at GEMA.

The PACOM met online on **10 May** and **27 June**. On **28 September**, several PACOM members came to Brussels for the launch of the Music Streaming study. A lunch was organised to evaluate the impact of the launch and to discuss future actions in this respect.

The following societies were represented in the meetings of 2022: AKM, ARTISJUS, GEMA, OSA, SABAM, SACEM, SCAM, SIAE, SOZA, SPA, STIM, TEOSTO, TONO, ZAIKS, CISAC (Observer).

Over the year, the PACOM was focused on the following points: to bring a wide and collective support to Ukraine and its authors and composers, notably by organising the presence of a Ukrainian delegation of authors (led by ZAIKS), to meet in Brussels with high-level policymakers. Additionally, the PACOM worked on coordinating efforts to maximise the press's impact on the Music Streaming Study, and finally in helping with the organisation of an event on buy-out contracts.







[www.authorsocieties.eu](http://www.authorsocieties.eu)



[secretariatgeneral@gesac.org](mailto:secretariatgeneral@gesac.org)



+32.2.511.44.54



[GESAC - authorsocieties.eu](https://www.linkedin.com/company/gesac-authorsocieties.eu)



[@authorsocieties](https://twitter.com/authorsocieties)

Rue Montoyer 23, 1000 Brussels, Belgium

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